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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

RAYMOND WATISON, #1031835

Plaintiff,

v.

JOSEPH HANSON,

Defendant.

Case No. 2:10-cv-01340-KJD-LRL

**DEFENDANT'S MOTION FOR EXTENSION
OF TIME TO FILE ANSWER**
(First Request)

Defendant, JOSEPH HANSON (hereinafter, "Defendant"), by and through legal counsel, Nevada Attorney General, CATHERINE CORTEZ-MASTO, and Deputy Attorney General, RAELENE K. PALMER, hereby moves this Court for a forty-five (45) day extension of time to answer or otherwise respond to Plaintiff, RAYMOND WATISON's, Complaint (Court Docket "CD" #5), filed on November 9, 2010, in the above-entitled action.

This motion is made and based upon the pleadings and papers on file, and the memorandum of points and authorities herein.

MEMORANDUM OF POINTS AND AUTHORITIES

I. PROCEDURAL HISTORY

On November 9, 2010, Plaintiff RAYMOND WATISON (Nevada Department of Corrections ID #1031835) (hereinafter, "Plaintiff") initiated the instant action by way of Complaint in the United States District Court, District of Nevada, styled: *Raymond Watison v. Mr. Joseph Hanson (HDSP Dentist)*, Case No. 2:10-cv-01340-KJD-LRL, alleging a violation of the Eighth Amendment to the United States Constitution, pursuant to 42 U.S.C § 1983. (Court

1 Docket ("CD") #5). On December 6, 2010, the Court issued a Screening Order, permitting
 2 Plaintiff to proceed on his Eighth Amendment claim against Defendant. (CD #6). The Court
 3 ordered the Attorney General's Office to advise the Court within 21 days of the date of entry of
 4 its Order as to whether it could accept service of process for Defendant, who had not been
 5 served, and to file an Answer 30 days thereafter acceptance. *Id.* Acceptance of Service was
 6 made on December 21, 2010. (CD #8). As such, an Answer or other response to the
 7 Complaint is due on January 20, 2011.

8 II. **LEGAL ANALYSIS**

9 FED. R. CIV. P. 6(b) provides:

- 10 (1) *In General.* When an act may or must be done within a
 specified time, the court may, for good cause, extend the time:
 (A) with or without motion or notice if the court acts, or if a request
 is made, before the original time or its extension expires; or
 (B) on motion made after the time has expired if the party failed to
 act because of excusable neglect.
 (2) *Exceptions.* A court must not extend the time to act under
 Rules 50(b) and (d), 52(b), 59(b), (d) and (e), and 60(b), except as
 those rules allow.

15 LR 6-1 provides:

- 16 (a) Every motion requesting a continuance, extension of time, or
 order shortening time shall be "Filed" by the clerk and processed
 as an expedited matter. . . .
- 17 (b) Every motion or stipulation to extend time shall inform the court
 of any previous extensions granted and state the reasons for the
 extension requested. . . . Immediately below the title of such motion
 or stipulation there shall be included a statement indicating
 whether it is the first, second, third, etc., requested extension. . . .
- 18 (c) The court may set aside any extension obtained in
 contravention of this rule.
- 19 (d) A stipulation or motion seeking to extend the time to file an
 opposition or final reply to a motion, or to extend the time fixed for
 hearing a motion, must state in its opening paragraph the filing
 date of the motion.

24 Rule 6(b)(1) allows for a party to move for an enlargement of time, the determination of
 25 which lies with the presiding court. "The Court has inherent power and discretion to control its
 26 docket, and the proceedings within the cases on its docket." *Ford v. County of Missoula,*
 27 *Mont.*, 2010 WL 2674036, 1 (D. Mont., 2010) (citing *Landis v. North American Co.*, 299 U.S.
 28 248, 254 (1936); see also FED. R. CIV.P. 6(b) (advisory committee note, 1946) ("Rule 6(b) is a

1 rule of general application giving wide discretion to the court to enlarge these time limits or
2 revive them after they have expired . . .").

3 Defendant is requesting an extension of time to file his answer or other response to
4 Plaintiff's Complaint (CD #5) before the deadline has expired. Defendant is making this
5 request based upon good cause to gather key pieces of information which are necessary to
6 effectively defend in the instant action and properly respond to Plaintiff's complaint. Since
7 receiving Plaintiff's Complaint, the Attorney General's Office has been in contact with the
8 named Defendant to inform him of the pending lawsuit concomitant with a request for
9 information, including a statement of personal knowledge of the events described in the
10 Complaint.¹

11 Furthermore, because his counsel is scheduled for outpatient surgery during the week
12 of February 14, 2011, Defendant respectfully requests a forty-five (45) day enlargement of
13 time in which to file an Answer or otherwise respond to Plaintiff's Complaint to and including
14 March 4, 2011.

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¹ See Affidavit of Raelene K. Palmer, attached hereto as Exhibit A.

III. CONCLUSION

This Court has ordered that Defendant file his Answer or other response to Plaintiff's Complaint by Thursday, January 20, 2011. Based upon the foregoing, Defendant requests a forty-five day extension of time to respond to Plaintiff's Complaint to Friday, March 4, 2011. This request is being made in good faith and not for the purpose of delay.

DATED this 19th day of January, 2011.

Respectfully submitted,

CATHERINE CORTEZ MASTO
Attorney General

By: /s/ Raelene K. Palmer
RAELENE K. PALMER
Deputy Attorney General
Nevada State Bar No. 8602
Attorneys for Defendants

“IT IS SO ORDERED:

LJ Lewis

UNITED STATES MAGISTRATE JUDGE

DATED: 1-21-11 "

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Office of the Attorney General and that on the 19th day of January, 2011, I served the foregoing **DEFENDANT'S MOTION FOR ENLARGEMENT OF TIME TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT (First Request)** by causing a true and correct copy thereof to be filed with the Clerk of the Court using the CM/ECF system and by causing a true and correct copy thereof to be delivered to the Department of General Services, for mailing at Las Vegas, Nevada, addressed to the following:

RAYMOND WATISON #1031835
HIGH DESERT STATE PRISON
P.O. Box 650
INDIAN SPRINGS, NEVADA 89070

/s/ Gina C. Long
An employee of the Office of the Attorney General